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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,963	08/26/2003	Martin Lund	14222US02	5243
23446 7590 12/02/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER BARQADEL, YASIN M				
ART UNIT 2456		PAPER NUMBER		
MAIL DATE 12/02/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,963

Applicant(s)

LUND, MARTIN

Examiner

YASIN M. BARQADLE

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/26/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. In view of the Appeal Brief filed on September 26, 2008, **PROSECUTION IS HEREBY REOPENED**. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

- Claims 1-15 originally presented for examination.
- Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2456

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Petty et al (US Pat. 7,188,209), hereinafter "Petty"

As per claims 1 and 5, Petty teaches a method and a machine readable storage for communicating information in a server platform (see fig. 1), the method comprising:

receiving at least one packet from at least one of a first switch blade associated with a first multiserver platform (Fig. 2B shows a blade environment 201 with blade serves 250,252,254. See the steps of fig. 15 for a downstream transmission from switch);

determining at least a server blade associated with a second multiserver platform for receiving at least a portion of said received at least one packet

(col. 26, lines 10-15); and

routing said at least a portion of said at least one received packet to at least said server blade "In one embodiment, the shared I/O switch 420 provides isolation, segregation, and routing of PCI Express transactions to/from each of the servers 404, 406, 408 in a manner that completely complies with existing PCI Express standards." (col. 14, lines 45-60).

As per claims 2 and 6, Petty teaches the invention, wherein said receiving further comprises receiving said at least one packet by at least one of a second switch blade associated with a third multiserver platform and a central switch (see fig. 1 and 2; Col 9, lines 32-64).

As per claims 3 and 7, Petty teaches the invention, further comprising if said at least one packet is received by said central switch, communicating said at least a portion of said at least one received packet to at least said second switch blade via at least one communication link that couples said central switch directly to said at least said second switch blade (See fig. 1, multiserver platforms interconnected via switches 122, 124, and 126 col. 14, lines 21-33).

As per claim 4, Petty teaches the method according to claim 1, further comprising processing said routed at least a portion of said at least one received packet by said at least said second blade server (col. 10, lines 21-32).

As per claim 8, Petty teaches the machine-readable storage according to claim 5, further comprising code for processing said routed at least a portion of said at least one received packet by said at least said second blade server (see fig. 1 and fig. 2).

As per claims 9 and 10, Petty teaches a system for communicating information in a server platform, the system comprising: a first multiserver platform comprising at least one of a network interface and a first switch blade (fig. 1 and 2); and

at least a second multiserver platform comprising a second switch blade coupled said first switch blade of said first multiserver platform (col.8, lines 44-46 and col. 9, lines 46-64),

As per claim 11, Petty teaches the system according to claim 10, wherein said first multiserver platform, said second multiserver platform and said third multiserver are coupled in a daisy-chain configuration (see fig. 2B, servers 250,252,254).

As per claim 12, Petty teaches according to claim 10, wherein said first multiserver platform, and said third multiserver platform communicate via said second multiserver platform (.see col.26, lines 20-26).

As per claim 13, Petty teaches the system according to claim 9, further comprising at least one central switch coupled to at least said first switch blade of said first multiserver platform and said second switch blade of said second multiserver platform (fig. 1 and 2; col.26, lines 5-27).

As per claim 14, Petty teaches the system according to claim 13, further comprising at least a third switch blade of a third multiserver platform coupled to said at least one central switch (fig. 1 and 2; col.26, lines 5-27).

As per claim 15, Petty teaches the system according to claim 14, wherein said first multiserver platform, said second multiserver platform and said third multiserver platform communicate via said central switch (fig. 1 and 2; col.26, lines 5-27).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456